

January 14, 1999

Mr. Charles M. Allen, II
Legal Advisor
Richardson Police Department
City of Richardson
P. O. Box 831078
Richardson, Texas 75083-1078

OR99-0101

Dear Mr. Allen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 121024.

The Richardson Police Department (the "department") received a request for "the full investigative report" concerning a specified automobile accident, which resulted in a fatality.¹ In response to the request, you submit to this office for review a copy of the information at issue. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception and arguments you have raised and reviewed the submitted information.²

Section 552.108, the "law enforcement" exception, provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if:

¹It appears that the original request for information was received on June 23, 1998 by the department, which in turn requested a ruling from our office on July 6, 1998. However, due to a subsequent letter, dated September 9, 1998, from Mr. Allen, the department's legal advisor, clarifying an earlier typographical error, our office closed the request for a decision based on his letter which stated "[p]lease withdraw the application for an Attorney General's Opinion in this matter." Based on Mr. Allen's follow-up letter of October 7, 1998, we have corrected for the misunderstanding and re-instated the request for a decision. We apologize for our part in delaying the resolution of this matter.

²You have also submitted to this office information that apparently was sent for informational purposes only, some of which you indicate has been released to the requestor. See Transp. Code § 550.064 (officer's accident report). In this ruling, we do not address the public disclosure of that information.



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

— * —
JOHN CORNYN
Attorney General

— * —
P.O. Box 12548
Austin, Texas
78711-2548
(512) 463-2100
www.oag.state.tx.us

(1) release of the information would interfere with the detection, investigation or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication.

You inform this office that the investigation at issue "did not result in conviction or deferred adjudication." You further state that the criminal investigation has been completed and no charges were filed. Based on your representations and submitted information, we find that you have shown the applicability of section 552.108(a)(2) to the requested information, since the investigation *did not* result in conviction or deferred adjudication. Therefore, we conclude that you may withhold most of Exhibits D and E under section 552.108(a)(2).

However, certain basic information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public. *See* Gov't Code § 552.108(c). Section 552.108(c) provides that section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Therefore, we conclude that except for basic front page information, Exhibits D and E may be withheld under section 552.108(a)(2) of the Government Code, though the department also has discretion to release all or part of this information that is not otherwise confidential by law. Gov't Code § 552.007.³

³We note that some of the information in the submitted documents is also confidential by law. Therefore, if you choose to waive your right to withhold the information under

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with the first name "Sam" being more prominent than the last name "Haddad".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 121024

Enclosures: Submitted documents

cc: Ms. Janet Randle
Law Offices of Janet R. Randle
14785 Preston Road, Suite 550
Dallas, Texas 75240
(w/o enclosures)

section 552.108, we urge you to exercise caution in releasing the information to the public. *See* Gov't Code §§ 552.352 (distribution of confidential information is criminal offense), 552.130 (confidentiality of motor vehicle operator's or driver's license); *see also* Open Records Decision No. 565 (1990) (information generated by Texas Crime Information Center or National Crime Information Center must not be made available except in accordance with federal regulations).